



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Mr. Mike Roy
Atlantic Motel
391 Ocean Blvd
Hampton, New Hampshire 03842

LETTER OF DEFICIENCY
WMB PBP 06-012
July 19, 2006

Dear Mr. Roy:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Wq 1100 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On July 10, 2006, DES inspected the following public bathing facilities at the Regal Inn in Hampton, NH: the Outdoor pool ("Pool").

During this inspection, the following deficiencies were noted:

1. A recommendation to close the Pool was issued on July 10, 2006. The inspection on July 10, 2006 revealed that the Pool was in violation of Env-Wq 1105.10 and unsafe for public use.
2. Pursuant to Env-Wq 1105.10(b)(2), the clarity of the water shall be such that the main drain is clearly visible at all times. The main drain / bottom of the Pool was not visible on July 10, 2006.
3. Pursuant to Env-Wq 1106.05, disinfection of pool water shall be achieved by positive displacement pump type unit providing hypochlorination or by an erosion unit using either hypo-chlorite or bromine tablets with control of the erosion rate. Continuous feed equipment was not found at the time of the inspection.
4. Pursuant to Env-Wq 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Pool at the time of the inspection.
5. Pursuant to Env-Wq 1104.02(c), If a lifeguard or other individual to enforce safety standards will not be present at a public bathing facility, the owner shall post a sign at all access points notifying patrons of the absence of a lifeguard. Signs indicating the absence of a lifeguard were not posted at the pool.
6. Env-Wq 1105.15(a) states that the owner of a public bathing facility shall plainly and conspicuously mark the depth of water in feet at or above the waterline on the vertical wall of the public bathing facility and on the top of the coping or edge of the deck or walk next to the public bathing facility. The depth of the Pool was not marked on the deck of the Pool.
7. Env-Wq 1106.04(a)(2) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include a flow meter.

Pursuant to Env-Wq 1106.03(b)(7), if a pool installed prior to July 28, 1997 and approved by the department has a single suction outlet or multiple suction outlets that can be isolated by valves, each suction outlet shall be protected by a safety vacuum release system that complies with ASME/ANSI A112.19.17, published 2002.

Please note that a safety vacuum release system will be required by 2010 if your pool has a single main drain. The installation of the safety vacuum release system will minimize the possibility of injury or drowning accidents due to suction entrapment.

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DES Web site: www.des.nh.gov

DES believes the cited deficiencies can be corrected within 30 days and requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken. The report should include the following:

1. A timetable of when:
 - a. The signs indicating the absence of a lifeguard will be posted at the pool;
 - b. the depth will be marked;
 - c. the sign indicating the location of the nearest telephone will be in place;
 - d. the installation or repair of the flow meters will be completed; and
 - e. the installation of the chlorine feeder will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Wq 1101-1105. After a violation of Env-Wq 1105.10(a)-(d), the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Wq 1101-1110 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.nh.gov/Pools/>

Sincerely,

Jody Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7293

cc: Gretchen R. Hamel, Legal Unit Administrator, DES ✓
Kevin Schultz, Health Officer, Town of Hampton

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